

**VIRGINIA BOARD OF PHARMACY  
MINUTES OF SPECIAL & INFORMAL CONFERENCE COMMITTEE**

Tuesday, January 21, 2014  
Commonwealth Conference Center  
Second Floor  
Board Room 2

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive  
Henrico, Virginia 23233

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CALL TO ORDER: A meeting of a Special and Informal Conference Committee of the Board of Pharmacy was called to order at 9:30 a.m.

PRESIDING: Ellen B. Shinaberry, Committee Chair

MEMBERS PRESENT: Robert M. Rhodes, Committee Member

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director  
Mykl D. Egan, DHP Adjudication Specialist

FARM FRESH PHARMACY #6267/360  
Permit Number 0201-003684 M. Ray Holt, Pharmacist-in-Charge, appeared with Hunter Jamerson, their attorney, on behalf of Farm Fresh Pharmacy #6267/360 to review allegations that Farm Fresh Pharmacy #6267/360 may have violated certain laws and regulations governing the conduct of pharmacy as stated in the January 7, 2014, Notice.

Closed Meeting: Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Farm Fresh Pharmacy #6267/360. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Committee re-convened in open meeting and announced the decision.

Decision: Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to offer a Consent Order to Farm Fresh Pharmacy #6267/360, for a monetary penalty in the amount of \$14,600.

(This Consent Order shall be effective upon endorsement by Farm Fresh Pharmacy #6267/360 and the Board of the findings of fact, conclusions of law, and terms of the Order).

KENNETH L. BURGESS  
Pharmacist  
License No. 0202-011980

Kenneth L. Burgess appeared with Thomas Burgess, his father, to review allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 8, 2013, Notice.

Closed Meeting:

Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Kenneth L. Burgess. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Committee re-convened in open meeting and announced the decision.

Decision:

Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee unanimously voted to close this case with no violation.

WESTBURY PHARMACY  
Permit No. 0201-002508

Faiz A. Oley, Jr., Pharmacist-in-Charge; and Joseph Oley, Pharmacist, appeared with Hunter Jamerson, their attorney, on behalf of Westbury Pharmacy to review allegations that Westbury Pharmacy may have violated certain laws and regulations governing the conduct of pharmacy as stated in the December 31, 2013, Notice.

Closed Meeting:

Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Westbury Pharmacy. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed

meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Committee re-convened in open meeting and announced the decision.

Decision:

Upon a motion by Mr. Rhodes, and duly seconded by Ms. Shinaberry, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to offer a Consent Order to Westbury Pharmacy for a monetary penalty in the amount of \$7,750.

(This Consent Order shall be effective upon endorsement by Westbury Pharmacy and the Board of the findings of fact, conclusions of law, and terms of the Order).

EVERETTE G. RICHARDSON  
Pharmacy Technician  
Registration No. 0230-012179

Everette G. Richardson did not appear at the informal conference.

The Committee referred the matter to a formal administrative hearing.

ADJOURN:

With all business concluded, the meeting adjourned at 3:30 p.m.

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Ellen B. Shinaberry, Chair

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Cathy M. Reiniers-Day  
Deputy Executive Director

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Date